

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HEYWARD JOHNSON, JR.,

Plaintiff,

-against-

VERIZON,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

In a report and recommendation dated September 21, 2009, Magistrate Judge Gabriel Gorenstein recommended that plaintiff's motion to dismiss the complaint as untimely be granted. Plaintiff's objection is frivolous and is overruled. The motion to dismiss the complaint is granted. The Clerk shall close the case.

SO ORDERED.

Dated: November 3, 2009



Lewis A. Kaplan
United States District Judge

DC SDNY
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DOC #:
DATE FILED #: 11/4/09

08 Civ. 11373 (LAK)